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6 **UNITED STATES DISTRICT COURT FOR THE**
7 **NORTHERN DISTRICT OF CALIFORNIA**

8 **SAMUEL LOVE,**

9 Plaintiff,

10 v.

11 ASHFORD SAN FRANCISCO II LLP, a
12 Delaware Limited Liability Company,

13 Defendant.

Case No. 3:20-cv-8458 EMC

**NOTICE OF MOTION AND MOTION
TO DISMISS FIRST AMENDED
COMPLAINT**

Date: April 1, 2021

Time: 1:30 p.m.

Court: 5 - 17th Fl.

San Francisco Courthouse

14 Hon. Edward M. Chen
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1 **TO PLAINTIFF AND HIS ATTORNEYS OF RECORD:**

2 PLEASE TAKE NOTICE THAT on April 1, 2021, or as soon thereafter as the matter
3 may be heard in Courtroom 5 the above-entitled court, Defendant ASHFORD SAN
4 FRANCISCO II LLP will and hereby does move to dismiss the Complaint in its entirety,
5 pursuant to Fed. R. Civ. P. 12(b)(6). All of the asserted claims arise from Plaintiff's visit to
6 the Defendant's reservations website (the "Website"), and Plaintiff's claim that the Website
7 fails to provide sufficient information about the accessible features in the accessible
8 guestrooms in violation of the Americans with Disabilities Act and California's Unruh
9 Civil Rights Act. The Complaint cannot state a claim under applicable pleading standards
10 to establish a plausible entitlement to relief with respect to any of the claims asserted.

11 This motion is based on this Notice and the accompanying Memorandum of Points
12 and Authorities, Request for Judicial Notice, all pleadings and documents on file herein,
13 and on such other and further evidence as may be presented at or before the hearing on
14 this matter.

15 This motion is made following the conference of counsel which took place on
16 December 4, 2020 and February 3, 2021.

17 WHEREFORE, Defendant ASHFORD SAN FRANCISCO II LLP respectfully
18 requests that this Court dismiss the Complaint with prejudice and without leave to amend.

19 Respectfully Submitted,

20 STILLMAN & ASSOCIATES

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22 Dated: February 19, 2021

23 By:

24 Philip H. Stillman, Esq.
Attorneys for Defendant
ASHFORD SAN FRANCISCO II LLP

PROOF OF SERVICE

I, the undersigned, certify under penalty of perjury that on February 19, 2021 or as soon as possible thereafter, copies of the foregoing Motion to Dismiss, Memorandum of Points and Authorities, the Request for Judicial Notice and Proposed Order was served electronically by the Court's ECF notice to all persons/entities requesting special notice or otherwise entitled to the same.

By: /s/ Philip H. Stillman
Attorneys for ASHFORD SAN FRANCISCO II LLP